

10/018672

#2

PATENT

DOCKET NO. BM45395

531 Rec'd PCT/

13 DEC 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thonnard

Serial No.: Unknown

Filed: Herewith

For: BASB111 Polypeptide and Polynucleotide
From *Moraxella Catarrhalis*

Group Art Unit No.: Unknown

Examiner: Unknown

BOX PCT/DO-EO

Commissioner for Patents

Washington, DC 20231

"Express Mail" mailing label number EL 823 533 194 US

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and addressed to: **BOX PCT/DO-EO**,
Commissioner for Patents, Washington, DC 20231, on December 13, 2001.


Colleen Hanagan

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.56

Applicants herein make available to the Patent and Trademark Office copies of the documents:

- ☒ listed on enclosed Form PTO/SB/08A/B (Formerly PTO-1449), in accordance with 37 CFR 1.98(a)(2); and
- ☐ listed on enclosed copies of Forms PTO-1449, PTO-892 or PTO/SB/08A/B, which forms recited the application information for applications to which this application claims priority under 35 U.S.C. §120, but have been edited to indicate the current application data. Pursuant to 37 CFR 1.98(d), NO COPIES OF THESE DOCUMENTS ARE ENCLOSED. The prior applications that provide the source of these documents are:

Serial No. _____;

Serial No. _____;

The Examiner is requested to consider carefully the complete text of these references in connection with the examination of this application. It is believed that the Examiner will concur with Applicant's belief that the foregoing references do not adversely affect the patentability of the subject matter presently claimed, taken alone or in combination.

It is requested that the listed references be included in the "References Cited" portion of any patent issuing from this application.

Under 37 CFR 1.97(i), Applicants understand that non-complying Information Disclosure Statements will be placed in the file but not considered by the Office, however, under Reply to Comment 8 of the Federal Register, page 2024, Applicants will be informed when information is not considered.

(1) **This Information Disclosure Statement is being filed:**

- ☐ within three months of the filing date of the patent application.
 - ☒ within three months of the date of entry into the national stage as set forth in 37 CFR 1.491 of the international application.
 - ☐ before the mailing date of a first Office Action on the merits.
 - ☐ after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action under 37 CFR 1.116 or a Notice of Allowance under 37 CFR 1.311, and accordingly is accompanied by:
 - ☐ the Statement under 37 CFR 1.97(e) (see "Statement" below);
- or**
- ☐ the Fee of \$180.00 set forth in 37 CFR 1.17(p); or
 - ☐ No fee is owed by the applicants.
 - ☐ after the mailing date of a Final Office Action under 37 CFR 1.116 or a Notice of Allowance under 37 CFR 1.311, and accordingly is accompanied by the Statement under 37 CFR 1.97(e), a Petition requesting consideration of the Information Disclosure Statement and the Petition Fee of \$130.00 set forth in 37 CFR 1.17(i)(1) (see "Statement," "Petition," and "Fees" below).

(2) **Statement**

- ☐ The undersigned attorney hereby states that each item information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

(If this box is checked, do not check any further Statement boxes.)

or

- ☐ The person signing immediately below hereby states that no item of information contained in the Information Disclosure was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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The person making the statement is:

☐ the inventor(s) who sign(s) below:

Signature of the Inventor(s)

Typed or Printed Name of the Inventor(s)

or

☐ a person who is substantively involved in the preparation or prosecution of the application, and who is associated with the inventor(s), or with the assignee, or with anyone to whom there is an obligation to assign the application (37 CFR 1.565(c)) and who signs below:

Signature of the Person(s)

Typed or Printed Name of the Person

Address of Person Signing

or

☐ the undersigned attorney who signs on the basis of the information:

- ☐ supplied by the inventor(s).
- ☐ supplied by an individual designated in 37 CFR 1.56(c).
- ☐ in the attorney's file.

Signature of the attorney

(3) **Petition**

☐ Applicants hereby petitions the Assistant Commissioner to consider the references listed in this Information Disclosure Statement and on the enclosed Form PTO/SB/08A and 08B (Formerly PTO-1449), in the examination of the above-identified patent application. *(This box checked only if a Final Office Action has issued)*

(4) **Fees**

- ☒ **No Fee** is owed by the applicants.
- ☐ **The IDS Fee** of \$180.00 under 37 CFR 1.17(p) is enclosed herewith.
- ☐ **The Petition Fee** of \$130.00 under 37 CFR 1.17(i)(1) is enclosed herewith.

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(5) **Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$180.00.
- ☐ Charge Account No. 50-0258 in the amount of \$ 180.00. (A duplicate of this request is attached).

(6) **Authorization to Charge Additional Fees**


- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 50-0258.

(7) **Instructions as to Overpayment**

- ☒ Please credit Account No. 50-0258 for any overpayment.
- ☐ Please refund Dechert Price & Rhoads in the amount of \$ _____.

A prompt and favorable response is earnestly solicited.

Respectfully submitted,



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| Form PTO - 1449 (Modified) | U.S. Department of Commerce Patent and Trademark Office | Attorney Docket No. BM45395 |
| Information Disclosure Statement by Applicant (use several Sheets if necessary) | | Serial No.: Unknown |
| | | Applicant: Thonnard |
| | | Filing Date: Herewith |
| | | Art No. Unknown |
| | | Examiner Unknown |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|--|---------------|------------|-----------------|-------|-----------|----------------------------|
| Exmr Initial | | Patent Number | Issue Date | Patentee | Class | Sub-Class | Filing Date If Appropriate |
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| | | 5,607,846 | 04.03.97 | Bhushan, et al. | | | |
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| FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION | | | | | | | |
|--|---|-----------------|------------|--------------------------|-------|-----------|---------------------|
| Exmr Initial | | Document Number | Publn Date | Country or Patent Office | Class | Sub-Class | Translation? Yes No |
| | — | WO 98/18323 | 07.05.98 | WIPO | | | |
| | — | WO 96/33276 | 24.10.96 | WIPO | | | |
| | — | WO 97/32980 | 12.09.97 | WIPO | | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Place of Publication**) | | | | | | | |
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| | — | Murphy, "Branhamella catarrhalis: Epidemiology, Surface Antigenic Structure, and Immune Response", Microbiological Reviews, US, American Society for Microbiology, Washington, DC, Vol. 60, No. 2, July 1996, pp. 267-279, Accession No. XP000857203. | | | | | |
| | — | Helminen, et al., "Human Immune Response Against Outer Membrane Proteins of Moraxella (Branhamella) catarrhalis Determined By Immunoblotting and Enzyme Immunoassay", Clinical and Diagnostic Laboratory Immunology, US, American Society for Microbiology, Vol. 2, No. 1, 1995, pp. 35-39, Accession No. XP002048788. | | | | | |
| | | International Search Report from International Application No. PCT/EP00/05852. | | | | | |
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| | | | | | | | |
| Examiner | | | | | Date Considered | | |
| | | | | | | | |

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO - 1449 [6-4])

- * Use publication date indicated on the patent or published application. 37 CFR 1.98(b).
- ** The place or publication refers to the name of the journal, magazine or other publication in which the article was published. Notice of January 9, 1992, 1135 O.G. 13 to 25 at 20.